



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

v.

JAIME GARATE, et al.,

Defendants.

Case No. CV 13-07113-UA (DUTYx)

ORDER RE: SUMMARY REMAND
DUE TO IMPROPER REMOVAL

On September 25, 2013, Jaime Garate and Leticia Isabel Garcia lodged a Notice of Removal and an application to proceed *in forma pauperis*. Plaintiff brought suit in a straight-forward unlawful detainer action in the Los Angeles County Superior Court. The Court has denied the aforementioned application under separate cover because this action was not properly removed. As a result, the Court issues this Order to remand the action to state court.

Plaintiff could not have brought this action in federal court based on federal question jurisdiction because the underlying matter is a straight-forward unlawful detainer action. 28 U.S.C. §§ 1331, 1441(a). Further, assuming a claim of diversity jurisdiction was to be asserted as a basis for removal, the Court notes that the amount in

1 controversy in the state court action does not exceed \$75,000, excluding interest and
2 costs. 28 U.S.C. §§ 1332(a), 1441(b).

3 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
4 Superior Court of California, Los Angeles County, 415 W. Ocean Blvd., Long Beach,
5 California 90802, for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c);
6 (2) that the Clerk send a certified copy of this Order to the state court; and (3) that the
7 Clerk serve copies of this Order on the parties.

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9 **IT IS SO ORDERED.**

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11 DATED: 10/15, 2013


HONORABLE GEORGE H. KING
Chief United States District Judge

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14 Presented by:

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16 HONORABLE OSWALD PARADA
17 United States Magistrate Judge